



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3485 OF 2026

Dattatray Nana Lanke

VERSUS

The State Of Maharashtra Through Its Secretary And Others

Mr. V. H. Dighe, Advocate for petitioner

Mr. V. M. Kagne, AGP for respondent Nos. 1 to 3

Mr. S. S. Wagh, Advocate for respondent No. 4

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 06th April, 2026

PER COURT :-

1. Present petition has been filed for following reliefs :-

"B. To quash and set aside the impugned communication/order dated 09.02.2026 issued by the respondent No. 3 President of the Maharashtra State of Secondary and Higher Secondary Education Board, Pune Divisional Board, Pune, rejecting the proposal submitted by the respondents for grant of Shalarth ID to the appointment of petitioners and for that purpose issue necessary orders.

C. Issue writ of mandamus or any other writ in the like nature, directing the respondent No. 3 President of the Maharashtra State of Secondary and Higher Secondary Education Board, Pune Divisional Board, Pune, to reconsider and decide the proposal of the petitioners for grant of Shalarth ID to their appointments, on its own merits without relying upon the letter dated 28.05.2025 issued by the Director of Education within a stipulated period and for that purpose issue necessary orders."

2. Heard learned Advocate for the petitioner.

3. Learned AGP waives notice for respondent Nos. 1 to 3.

4. There is no necessity to issue notice to respondent No. 4 at this stage.

5. According to petitioners, as per staffing pattern one post for Junior Clerk and one post of Peon are sanctioned at respondent No. 4 – Shri. Rameshwar Arts, Commerce and Science Junior College at Chikhali. The petitioners submit that in the year 2015, the post of Junior Clerk and Peon had fallen vacant therefore, the respondent – Management has decided to fill up the said posts. Accordingly, advertisement was issued in Daily Newspaper dated 20.09.2015. The petitioners submit that pursuant to said advertisement, the petitioners and other candidates have applied and participated in the selection process. The petitioners further submit that the selection committee of respondent No. 4 – Management has considered the claim of petitioners. Accordingly, Management has passed resolution dated 29.09.2015 to that effect. The petitioners submit that the respondent No. 4 – Management has issued appointment orders dated 02.10.2015 appointing petitioner No. 1 as Junior Clerk and petitioner No. 2 as Peon on a non grant basis in respondent No. 4. Petitioners submit that the respondent No. 4 – Management has submitted necessary proposal of petitioners along with others to the office of respondent No. 2 – Deputy Director of Education, Pune for grant of approval to the appointment orders. The petitioners submit that the office of respondent No. 2 has considered the said proposal and granted approval to their appointments vide order dated 10.11.2015, wherein the

names of petitioners are at Sr. No. 4 and 5 respectively. The petitioners submit that the post on which the petitioners are working are receiving grants therefore, the management has submitted proposal to the office of respondent No. 2 on 24.03.2023 for inclusion of the names of petitioners in Shalarth ID. The said proposal was scrutinized by the office of respondent No. 2 and the same was forwarded to the office of respondent No. 3, which is the competent authority to issue Shalarth ID. Petitioners submit that they have made enquiry with the office of respondent - Management about the grant of Shalarth ID to their appointments. Management has informed that their proposal is submitted with the office of respondent authorities by rectifying all the deficiencies on 09.09.2025, however the same is rejected by giving reference of letter dated 28.05.2025 issued by Director of Secondary and Higher Secondary Education, M.S., Pune vide common order dated 09.02.2026 by the respondent No. 3. According to the petitioners, the action taken by respondent authority is self contrary to the direction issued by the higher authority because the State Government by its Government Resolution dated 04.04.2025, had granted permission to the appointment of the non teaching staff including the post for which the petitioners came to be appointed, thereby the stay that has been granted by respondent authority is unjust, arbitrary and contrary. Hence, this petition.

6. Learned Advocate for the petitioner relies on the decision of

the Co-ordinate Bench of this Court at Nagpur in ***Vidarbha Minority Education Society and other societies Vs. The State of Maharashtra and others*** Writ Petition No. 8174 of 2025, wherein also the communication dated 28.05.2025 issued by respondent No. 2 were challenged as being contrary to the Government Resolution dated 04.04.2025. The said petition came to be allowed on 23.02.2026. The communication dated 28.05.2025, was quashed and set aside.

7. Learned AGP supported the action and also submitted that he would take the instructions from the respondent No. 2.

8. Here, the simple question that is involved is, whether by way of a circular or communication, respondent No. 2 can issue such directions as stated in communication dated 28.05.2025. Perusal of the said communication would show that the respondent No. 2 had considered the Government Resolution dated 04.04.2025. We have perused the Government Resolution dated 04.04.2025 wherein stage wise recruitment was permitted. The basic condition was in respect of *Sanchmanyata* or *Bindunamavali*. Procedure was also laid down therein. Now, the question further pops up is that whether the respondent No. 2, by way of this communication, can add any condition if the Government had the intention to put such condition, then certainly the point on which the communication dated 28.05.2025 was issued, would have been certainly taken care of by the State. At the most, the communication

dated 28.05.2025 would have tried to address the practical difficulty that the department might be facing. However, the said practical difficulty cannot be taken to such an extent that it would result in stay to the process of grant of approval. In a way, it is an injunction order that was issued by the respondent No. 2 to the Deputy Directors of Education, Education Officers, Secondary and Education Inspector. Further, we feel that there cannot be such blanket order. Schedule was not given as to within how much period the fresh *Sanchmanyata* of 2024-2025 would be available online through N.I.C. There is no scheduled prescribed as to when the absorption process would be completed. Therefore, for some indefinite period, there cannot be such directions. It appears that learned AGP brings subsequent developments on record. It appears that there was Government Resolution issued on 25.08.2025 regarding the schools which were declared fit for getting aid. In respect of that some terms and conditions were laid down and therefore, now by letter dated 25.03.2026, the same authority has issued order that they should submit the proposals within a period of five days. Therefore, taking into consideration the subsequent decision, the communication dated 09.02.2026, deserves to be set aside.

9. We are also taking note of the decision of the Co-ordinate Bench in ***Vidarbha Minority Education Society and other societies***. It appears that all the petitioners were the minority institutions, and therefore, taking into consideration the rights under Article 30(1) of the

Constitution of India, the decision was taken; however, the operative order states that the impugned order dated 28.05.2025 issued by Director of Education is quashed and set aside. It has not been stated that qua petitioners therein only even if for the sake of arguments, it is accepted that the order was qua petitioners only. It can be seen that the care has been taken while issuing the orders that the respondent authorities to impose a condition of absorption of surplus non teaching staff in the approval order and also while allotting Shalarth ID and it should be in accordance with the Government Resolution dated 04.04.2025, and therefore, we may also adopt the same viewed. With these observations, we partly allow the petition.

10. The communication dated 09.02.2026, is hereby quashed and set aside. The respondent No. 2 should decide the proposal dated 24.03.2023 and letter dated 09.09.2025 within a period of 8 weeks from today and shall not reject the same on the ground of communication letter dated 28.05.2025 issued by Director of Education. The said proposal should be decided in accordance with the Government Resolution dated 04.04.2025 and proceed to grant consequential benefits if the approval is granted.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi